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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,682	09/25/2003	Masami Matsuura	243216US3 DIV	4417
22850 7590 12/24/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER MAYO, TARA L	
			ART UNIT 3671	PAPER NUMBER
			NOTIFICATION DATE 12/24/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/669,682	Applicant(s) MATSUURA ET AL.	
	Examiner TARA L. MAYO	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 14-16 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) 13, 17, 18, 21 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 14-16 and 27-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/854,472.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20080716 (2)</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. During the telephonic interview on 08 September 2008, the Examiner agreed to withdraw the rejection of the claims under 35 U.S.C. 103(a) as being unpatentable over Jackson '123 in light of the Specification at page 1 wherein Applicant discloses floating bodies such as floating bridges, warehouses, parking lots, platform workshops, etc., as noted by Applicant's representative during the interview. However, after further review of the Specification, the Examiner finds this interpretation of the floating body too limiting and notes page 22 wherein Applicant discloses "the present invention can be adapted to various shapes of floating bodies." Therefore, the rejection of the claims is repeated and the finality of the instant Office Action is withheld as agreed upon.

Claim Objections

2. Claim 31 is objected to because it is dependent upon canceled claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1 through 3 and 31 through 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Stanford (U.S. Patent No. 5,090,352 A).

Stanford '352, as best seen in Figures 9 and 11, discloses a motion reduction apparatus for a floating body comprising:

a plumb plate (8a, 8c) which is provided on at least a substantially vertical side surface of a floating main body (1a, 1c), is separated from the floating main body a specific distance, extends substantially parallel to the substantially vertical side surface of the main body, and extends below a lowermost bottom surface of the floating main body;

wherein the plumb plate is supported at a specific location of the floating main body by a plurality of stay members (11a, 11c) arranged on the floating main body so as to provide flow sections that are surrounded by the floating main body, the plumb plate, and the stay members.

5. Claims 1 through 4, 12, 14 through 16 and 31 through 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Schutt et al. (U.S. Patent No. 3,626,887 A).

Schutt et al. '887, as best seen in Figure 1, shows a motion reduction apparatus for a floating body comprising:

a plumb plate (29) which is provided on at least a substantially vertical side surface of a floating main body (1), is separated from the floating main body a specific distance, extends substantially parallel to the substantially vertical side surface of the main body, and extends below a lowermost bottom surface of the floating main body;

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wherein the plumb plate is supported at a specific location of the floating main body by a plurality of stay members (16) arranged on the floating main body so as to provide flow sections that are surrounded by the floating main body, the plumb plate, and the stay members;

wherein the plumb plate is constructed to swing with respect to the floating main body;
and

wherein the plate has an edge section closest to the floating main body that is separated from the floating main body by a specific distance, and an upper edge of the plate member is oriented at substantially a same level as a lowermost bottom surface of the floating main body.

6. Claims 12, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Jackson (U.S. Patent No. 4,377,123).

Jackson '123, as best seen in Figure 1, shows a motion reduction apparatus for a floating body comprising:

with regard to claim 12,

a plate member (13) provided on a substantially vertical side surface of a floating main body (10), wherein the plate member has an edge section closest to the floating main body that is separated from the floating main body by a predetermined distance, an upper edge of the plate member is oriented at substantially a same level as a lowermost bottom surface of the floating main body, and the upper edge of the plate member is provided so as to be substantially parallel to the lowermost bottom surface of the floating main body via the predetermined distance;
with regard to claim 14,

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wherein the plumb plate is supported at a specific location of the floating main body by a plurality of stay members (14, 15 and 21) arranged on the floating main body so as to provide flow sections that are surrounded by the floating main body, the plumb plate, and the stay members; and

with regard to claim 16,

wherein the plumb plate is constructed to swing (via element 16) with respect to the floating main body.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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9. Claims 1 through 4, 15, and 31 through 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson (U.S. Patent No. 4,377,123).

Jackson '123, as best seen in Figure 1, shows a motion reduction apparatus for a floating body comprising:

a plumb plate (13) which is provided on at least a substantially vertical side surface of a floating main body (10), is separated from the floating main body a specific distance, extends adjacent the substantially vertical side surface of the main body, and extends below a lowermost bottom surface of the floating main body;

wherein the plumb plate is supported at a specific location of the floating main body by a plurality of stay members (14, 15 and 21) arranged on the floating main body so as to provide flow sections that are surrounded by the floating main body, the plumb plate, and the stay members;

wherein the plumb plate is constructed to swing (via element 16) with respect to the floating main body;

wherein the plate has an edge section closest to the floating main body that is separated from the floating main body by a specific distance, and an upper edge of the plate member is oriented at substantially a same level as a lowermost bottom surface of the floating main body.

With regard to claims 1, 32 and 33, Applicant's claim of the plate extending substantially parallel to the substantially side surface of the floating body, the device disclosed by Jackson '123 meets the invention as claimed. Specifically, as best seen in Figure 3, the position of the plate relative to the side surface is effected and maintained by winch line (28). Therefore, the

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claim limitation is met when a length of winch line is released effective to position the plate substantially parallel to the substantially parallel side surface of the floating body. Such a modification would have been obvious to one having ordinary skill in the art at the time of invention to stabilize the floating body as desired during use.

With specific regard to claim 15, Jackson '123 as applied above in section 5 to claim 12, further teaches the plate member provided along a longitudinal direction at least on either a left side section or a right side section of the floating main body. Jackson '123 fails to teach the floating main body having an orthorhombic shape. It would have been an obvious modification to one having ordinary skill in the art at the time of invention to use the plumb plate of Jackson '123 in combination with a floating body having an orthorhombic shape, since it has been held that the configuration of a claimed device is a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed container was significant. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)

10. Claims 27 through 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schutt et al. (U.S. Patent No. 3,626,887 A).

Schutt et al. '887 fail to teach the plumb plate, in a longitudinal direction, substantially the same longitudinal length as the floating main body. However, it would have been an obvious matter of design choice to make the plumb plate substantially the same length as the floating main body, since such a modification would have involved a mere change in the size of a component. It has been held that a change in size is within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TARA L. MAYO whose telephone number is (571)272-6992. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TARA L MAYO/
Primary Examiner, Art Unit 3671

tlm
16 December 2008